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EXAMINER

CALLAHAN, PAUL E

ART UNIT

PAPER NUMBER

2137

MAIL DATE

DELIVERY MODE

10/02/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/912,897

**Applicant(s)**

TERADA ET AL.

**Examiner**

Paul Callahan

**Art Unit**

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 24-27, 29-34, 37-41, 52 and 54-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 54-58 is/are allowed.
- 6) ☒ Claim(s) 24-27, 29-32, 34 and 38-41 is/are rejected.
- 7) ☒ Claim(s) 33, 37 and 52 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/25/01, 4/11/06, 2/28/07</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 24-27, 29-34, 37-41, 52, and 54-58 are pending in the Instant Application and have been examined. This Office Action is directed towards the Applicant's response filed February 28, 2007.

### ***Terminal Disclaimer***

2. The terminal disclaimer filed on February 28, 2007 disclaiming the terminal portion of the patent being reexamined which would extend beyond the expiration date of US 7,015,388 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Allowable Subject Matter***

3. The indicated allowability of claims 24-27, 29-34, 37-41, 52, and 54-58 is withdrawn in view of the newly discovered reference(s) to Taruguchi, US 6,209,096 (submitted with the Applicant's supplemental IDS). Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 24-27, 29-32, 34, and 38-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Taruguchi, US 6,209,096 (submitted with the Applicant's supplemental IDS). Taruguchi teaches:

As for claim 24, a method for changing electronic information (abstract), said method comprising: a step of inputting first information comprising a plurality of event data (col. 8 lines 1-10, 40-47, col. 2 lines 20-37); a step of inputting second information indicative of an information change scheme (col. 8 lines 1-40, col. 2 lines 20-37); a step of incorporating said second information dispersedly into said first information by changing contents of at least part of the event data on the basis of said second information (col. 2 lines 55-67, col. 8 lines 40-47, col. 10 lines 13-57); and a step of changing a portion of said first information, where said second information is not positioned, in accordance with the information change scheme indicated by said second information (col. 8 lines 1-10, col. 10 line 45-col. 11 line 50).

As for claim 25, a method as recited in claim 24 which further comprises a step of incorporating predetermined additional information into said first information (col. 8 lines 40-47).

As for claims 26 and 27, the claims are directed towards the apparatus that carries out the method of claim 24, and the computer program product that instructs the apparatus of claim 26 to carry out the method of claim 24. Claims 26 and 27 recite substantially the same limitations as claim 24 and are thereby rejected on the same basis as that claim.

As for claim 29, a method of decoding and reproducing changed electronic information (abstract), said method comprising: a step of receiving changed electronic information to be decoded and reproduced (col. 10 lines 60-67), said changed electronic information being information obtained by changing, in accordance with an information change scheme indicated by second information (col. 2 lines 40-67, col. 8 lines 1-10), first information comprising a plurality of event data (col. 2 lines 20-37, col. 8 lines 1-10, 40-47) wherein said second information is incorporated dispersedly in said first information by contents of at least part of the event data included in said first information being changed on the basis of said second information (col. 2 lines 40-67, col. 8 lines 1-10, 40-47), and a portion of said first information, where said second information is not incorporated, has contents changed in accordance with the information change scheme indicated by said second information (col. 8 lines 1-47); a step of reproducing, from the inputted changed electronic information, said second information dispersedly incorporated in said first information (col. 10 line 45-col. 11 line 50); and a step of

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decoding the portion of said first information, where said second information is not positioned, on the basis of said second information decoded by said step of decoding, to thereby reproduce said first information (col. 10 line 45-col. 11 line 50).

As for claims 30 and 31, the claims recite the apparatus and computer-program product for directing the apparatus of claim 30 in decoding the information decoded by the method of claim 29. Claims 30 and 31 recite substantially the same limitations as claim 29 and are rejected on the same basis as that claim.

As for claim 32, a method as recited in claim 24 wherein said plurality of event data of said first information is classified into at least two characteristic groups according to data characteristics thereof (col. 8 lines 40-47), and said second information is incorporated redundantly into said at least two characteristic groups (col. 8 lines 10-67)

As for claim 34, a method as recited in claim 29 wherein said plurality of event data of said first information is classified into at least two characteristic groups according to data characteristics thereof (col. 8 lines 1-10, 40-47), and said second information is incorporated redundantly into said at least two characteristic groups (col. 8 lines 10-67).

As for claim 38, a method as recited in claim 25 wherein said first information is music performance information and said predetermined additional information contains data representative of any one of a text message, still picture, moving picture and sound message (col. 8 lines 40-47).

As for claim 39, a method as recited in claim 29 wherein said electronic information to be decoded is transmitted via a communication network, in a form of a real-time data stream (col. 10 lines 64-67); wherein said step of receiving said electronic information of the real-time data stream transmitted via the communication network (col. 10 lines 64-67); wherein said step of reproducing reproduces said second information, from said electronic information of the real-time data stream received via the communication network (col. 11 lines 1-15); and wherein said step of decoding decodes, on the basis of said second information reproduced by said step of reproducing, a portion of said first information where said second information is not incorporated and which is included in said electronic information of the real-time data stream received via the communication network to thereby decode said first information (col. 10 line 45 through col. 11 line 50).

As for claim 40, a method as recited in claim 29 wherein predetermined additional information other than said second is incorporated into said first information

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(col. 8 lines 10-67); and wherein said method further comprises a step of detecting said predetermined additional information from the first information and a step of displaying said predetermined additional information detected by said step of detecting (col. 10 line 45 to col. 11 line 50).

As for claim 41, a method as recited in claim 40 wherein said first information is music performance information and said predetermined additional information contains data representative of any one of a text message, still picture, moving picture and sound message (col. 8 lines 40-47).

***Allowable Subject Matter***

6. Claims 54-58 are allowed.

7. Claims 33, 37, and 52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



**Conclusion**


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



/Paul Callahan/  
September 27, 2007

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER